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9 ELIGIO RUIZ ORTIZ,  
10 Plaintiff,  
11 v.  
12 STATE OF CALIFORNIA, et al.,  
13 Defendants.

Case No. [16-cv-02971-JSC](#)

**ORDER OF DISMISSAL**

Re: Dkt. No. 4

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15 On June 2, 2016, Plaintiff, a California prisoner proceeding pro se, filed this civil rights  
16 complaint under 42 U.S.C. § 1983.<sup>1</sup> Plaintiff also filed an application to proceed in forma  
17 pauperis (“IFP”), but it was incomplete in that it did not include a trust account statement or a  
18 certificate of funds. On the same day the complaint and IFP application were filed, the Clerk  
19 notified Plaintiff that he had not paid the filing fee and that the IFP application he submitted was  
20 incomplete because of the missing trust account statement and certificate of funds. The Clerk  
21 mailed to Plaintiff the Court’s IFP application along with the deficiency notice, as well as a  
22 stamped return envelope and instructions for completing the IFP application including the  
23 requisite trust account statement and certificate of funds completed and signed by a prison official.  
24 The deficiency notice also informed Plaintiff that the case would be dismissed if he did not either  
25 pay the filing fee or complete his IFP application within 28 days.

26 More than 28 days have passed since the deficiency notice was sent to Plaintiff and no  
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28 <sup>1</sup> Petitioner has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28  
U.S.C. § 636(c). (ECF No.1 at 4.)

1 response has been received. He has not paid the filing fee, filed a complete IFP application,  
2 shown cause why not, or requested and shown good cause for an extension of time. Accordingly,  
3 the incomplete IFP application (ECF No. 4) is DENIED, and this case is DISMISSED without  
4 prejudice to filing his complaint in a new action in which he either pays the filing fee or submits a  
5 complete IFP application.

6 The Clerk shall enter judgment and close the file.

7 **IT IS SO ORDERED.**

8 Dated: July 15, 2016

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12 JACQUELINE SCOTT CORLEY  
13 United States Magistrate Judge  
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11 Case No. 16-cv-02971-JSC

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13 **CERTIFICATE OF SERVICE**

14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
15 District Court, Northern District of California.

16 That on July 15, 2016, I SERVED a true and correct copy(ies) of the attached, by placing  
17 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
18 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
receptacle located in the Clerk's office.

19 Brandon Favor ID: G-60488  
20 California Correctional Institution  
21 24900 Highway 202  
Tehachapi, CA 93561

22  
23 Eligio Ruiz Ortiz ID: T23211  
24 California Correctional Institution  
P.O. Box 1031  
25 Facility A, Bldg 1, Bed 107  
Tehachapi, CA 93581

1 Dated: July 15, 2016  
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Susan Y. Soong  
Clerk, United States District Court

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By:   
Ada Means, Deputy Clerk to the  
Honorable JACQUELINE SCOTT CORLEY

United States District Court  
Northern District of California